IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.4.2006

CORAM:

THE HONOURABLE MR.JUSTICE P.K.MISRA
and
THE HONOURABLE MR.JUSTICE R.SUDHAKAR

Writ Petition Nos.30003, 30750, 30825, 38583, 38584, 12864, 19744 & 7362 of 2004, 7845 of 2005, 8674, 15383, 7397, 10038, 11011, 14612, 7818, 13422, 20316 & 42550 OF 2002, 21674 to 21680, 21729 & 20996 of 2000, 6348, 6349, 7430, 7431, 6482, 8049 & 19980 of 2003, 16223 to 16225, 3305 to 3311, 4938, 8124, 13272, 13756 & 24284 of 2001 & 674 of 1999 & all connected pending W.P.M.Ps.

1. A.Muthuselvam
2. A.Balssundaram
3. N.Sriraman
4. S.R.Jayalakshmi
5. K.B.Ramakrishnan
6. V.R.Kaliaperumal
7. S.Sivaramakrishnan
8. S.Thirunavukkarasu
9. P. Varatharajan ..Petitioner in WP.30003 OF 2004

1. M.Namachivayam
2. R.Nagendran
3. V.Swaminathan
4. C.Subramanian
5. R.Balasattanathan
6. P.S.Kannan
7. S.Venkatesan
8. A.Murugesan
9. S.Paramasivam
10. K.Ramadoss ..Petitioner in WP.30750/2004

1. R.Sengodan
2. O.V.Ramasami
3. K.Syed Ahmed
4. M.Arockiasamy
5. R.Irudayanathan ..Petitioner in WP.30825/2004

D.Subramanian ..Petitioner in WP.38583/2004.

1. P.Natarajan
2. J.Kanagarajan
3. P.Periyasami ..Petitioner in WP.38584/2004.

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Virudhunagar District Panchayat
Union Servicing Siddha Medical
Officers' Assocation, Thoppalakarai
rep. By its President,
Dr.T.Appanasamy
103/17/4, Upstairs,
Perkishiapuram II Street,
Aruppukkottai,
Virudhunagar District 624 114. ..Petitioner in WP.12864/2004

Dr.P.Krishnamoorthy R.M.O. ..Petitioner in WP.19744/2004

M.Ramalingam ..Petitioner in WP.7362/2004

R.C.Rathanammal ..Petitioner in WP.7845/2005

Dr.K.Parthiban ..Petitioner in WP.8674/2002

K.Santhanam ..Petitioner in WP.15383/2002

K.Thangavelu ..Petitioner in WP.7397/2002

Dr.M.Manickam ..Petitioner in WP.10038/2002

L.Krishnappan ..Petitioner in WP.11011/2002

1. A.Murugesan
2. N.Sriraman ..Petitioners in WP.14612/2002

G.Sivabackiyam ..Petitioner in WP.7818/2002

Dr.M.Karthikeyan ..Petitioner in WP.13422/2002

Dr.J.Krishnamoorthy ..Petitioner in WP.20316/2002

Dr.D.Dhanasekaran alias
Devadoss ..Petitioner in WP.42550/2002

R.Rajan ..Petitioner in WP.21674/2000

G.Nagarajan ..Petitioner in WP.21675/2000

P.Chandrasekaran ..Petitioner in WP.21676/2000

Dr.A.Dhandapani ..Petitioner in WP.21677/2000

Dr.A.Muthuselvam ..Petitioner in WP.21678/2000

Dr.K.S.Devendran ..Petitioner in WP.21679/2000

Dr.K.Danabalan ..Petitioner in WP.21680/2000

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K.Subramanian ..Petitioner in WP.21729/2000

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Dr.B.Sivakumar ..Petitioner in WP.20996/2000

A.Ganesan ..Petitioner in WP.6348/2003

R.Ariraman ..Petitioner in WP.6349/2003

A.Balasundaram ..Petitioner in WP.7430/2003

A.Jagathamani ..Petitioner in WP.7431/2003

C.Periyanan ..Petitioner in WP.6482/2003

1.Dr.P.N.Easwaran(since deceased)
2. Dr.E.Santhanakrishnan
3. P.E.Giri
4. Mrs.Usha Rani,
5. P.E.Jayaprakash
6. P.E.Suresh Babu
7. P.E.Gangadharan
Petitioners 2 to 7 as LRs of the
Sole Deceased 1st petitioner as per
order of the Court dated 25.11.2005
in WPMP.29047/2005 by RBJ. ..Petitioners in WP.8049/2003

Dr.N.Rajalakshmi ..Petitioner in WP.19980/2003

Dr.Mohanram ..Petitioner in WP.16223/2001

Dr.R.Sengodan ..Petitioner in WP.16224/2001

Dr.C.V.Lakshmanan ..Petitioner in WP.16225/2001

Dr.N.Balashanmugam ..Petitioner in WP.3305/2001

Dr.M.S.Basheer Ahammed ..Petitioner in WP.3306/2001

A.Nagarajan ..Petitioner in WP.3307/2001

Dr.A.N.Sadananthan ..Petitioner in WP.3308/2001

Dr.V.Elumalai ..Petitioner in WP.3309/2001

Dr.R.K.Ramkumar ..Petitioner in WP.3310/2001

Dr.S.A.Jayakumar ..Petitioner in WP.3311/2001

1. Dr.S.Duraipandian
2. Dr.K.R.Gandhi
3. Dr.M.S.Sultan
4. Dr.M.Perumal
5. Dr.T.N.Kandeepan
6. Dr.B.Chinnarajan

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7. Dr.M.B.Manivannan
8. Dr.J.Padmaraj
9. Dr.M.S.Doraisami
10. Dr.K.S.Jawaharlal
11. Dr.B.Muniappan
12. Dr.M.Ganesan
13. Dr.Rangamani
14. Dr.S.Balasubramanian
15. Dr.S.Deenadhayalan ..Petitioners in WP.4938/2001

1. Dr.K.Essakhy
2. Dr.P.Arumugam
3. Dr.R.Irudayanathan ..Petitioners 1 to 3 in WP.8124/2001

Dr.P.S.Jainullabideen ..Petitioner in WP.13272/2001

Dr.K.Rajangam ..Petitioner in WP.13756/2001

V.Subramanian ..Petitioner in WP.24284/2001

1. M.Namasiayam
2. A.Chinnaswamy ..Petitioners in WP.674/1999

-Vs-

The State of Tamil Nadu,
represented by the Secretary
to Government, Rural Development
Department, Fort St. George,
Chennai 9. ..1st Respondent in WP.30003, 300756, 30825, 38583, 38584/2004.
2nd Respondent in WP.12864/04.
1st Respondent in WP.19744,7362/04, 7845/2005, 8674/2002, 15383, 10038, 11011, 13422, 20316, 42550/2002.
1st Respondent in WP.21674 to 21680, 21729, 20996/2000, 6348, 6349, 7340, 7341, 6482, 8349/2003, 16223 to 16225, 3305 to 3311, 4938, 8124, 13272/2001, 13756, 24284/2001 & 674/99.

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The Tamil Nadu Administrative
Tribunal represented by its
Registrar, Chennai 104. ..2nd Respondent in WP.30003, 30750, 30825, 38584/2004, 7845/05.
3rd Respondent in WP.38583/2004
1st Respondent in WP.12864/2004.

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The Director of Rural Development,
Panagal Builldings,
Saidapet, Chennai 15. ..2nd Respondent in WP.20316/2002, 7431/2003, WP.7362/2004, 10038/2002, 7430/2003, 11011/2002, 6482/2003.
4th Respondent in WP.8674/2002, 20996/2000, 13272, 13756/2001, 43422/2002, 21674 to 21680, 21729/2000, 6348, 6349/2003, 16223 to 16225, 3305 to 3311, 4938, 8124/2001.
3rd Respondent in WP.15383/2002, 8049/2003.
1st Respondent in WP.14612/2002, 19980/2003.
5th Respondent in WP.13422/2002, 24284/2001.

The Director of Local Fund Audit,
Kuralagam,
5th Floor, Chennai 108. ..3rd Respondent in WP.7362/2004, 10038, 7430/2003.
5th Respondent in WP.13422/2002.
2nd Respondent in WP.19980/2003.

The Block Development Officer
Thellar Panchayat Union,
Thellar,
Thiruvannamalai District. R2 in WP.38583/2004

3. The Director of Rural Development,
Chennai 600015.

4. The Collector,
Virudhunagar District,
Virudhunagar. RR 3 and 4 in WP.No.12864/2004

2. The Collector,
Dharmapuri, Dharmapuri District.

3. The Commissioner,
Pennagaram Panchayat Union,
Pennagaram, Dharmapuri District. RR 2 and 3 in WP.19744/2004

4. The Commissioner,
Sivagangai Panchayat Uinon,
Sivagangai RR 4 in WP.7362/2004

3. The Block Development Officer,
Pangalur Panchayat Officer,
Coimbatore District. R3 in WP.7845/2005

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2. State of Tamil Nadu rep. by its
Secretary to Government,
Indian Medicine & Homeopathy Department,
Fort St.George, Chennai -600009.

3. State of Tamil Nadu rep. by its
Secretary to Government,
Personnel & Administrative Reforms Department,
Fort St.George, Chennai -600009.

5. The Director of Local Fund Audit,
Kuralagam, Chennai - 600108.

6. The District Collector,
Thanjavur District, Thanjavur

7. The Commissioner,
Orathanadu Panchayat Union,
Orathanadu, Thanjavur District. RR 2,3,5 to 7 in WP.8674/2002 RR2,3 nil & R4 in WP.15383/2002 RR 2,3,5 nil and R1 inWP.7818/2002 RR 2,3 in WP.13422/2002, RR 2,3 & 5 in WP.21674 to 21680/2000, 21729/2000, 20996/2000, 6348, 6349/2003 R2,3 nil 4 in WP.8049/2003 RR 2,3 & 5 in WP.16223 to 16225/2001, 3305 to 3311, 4938, 8124, 13272, 13756/2001 R2 in WP.24284/2001.

5. The Commissioner,
Sathyamangalam Panchayat Union,
Sathyamangalam, Erode District. R5 in WP.15383/2002

1. The Collector,
Thanjavur, Thanjavur District.

2. The Commissioner,
Madukkur Panchayat Union,
Madukkur, Thanjavur District RR 1 and 2 in WP.7397/2002

4. The Commissioner,
Kolathoor Panchayat Uinon,
Kolathoor, Salem District R4 in WP.10038/2002

3. The Commissioner,
Sendhamangalam Panchayat Uinon,
Sendhamangalam,
Namakkal Taluk, District R3 in WP.11011/2002

2. The Commissioner,
Needamangalam Panchayat Union,
Needamangalam,
Thiruvarur District. R2 in WP.14612/2002

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2. The Block Development Officer,
Madukkur Panchayat Uinon,
Madukkur, Thanjavur District — R2 in WP.7818/2002

6. The District Collector,
Sivaganga District, Sivaganga — RR 6 and 7 in WP.13422/2002

3. The Commissioner,
Mannargudi Panchayat Uinon,
Mannargudi, Thiruvarur District — R3 in WP.20316/2002

2. The Collector,
Gudiyatham Panchayat Union,
Gudiyatham, Vellore District — RR 2 and 3 in WP.42550/2002

6. The Commissioner,
Srivilliputhur Panchayat Union,
Srivilliputhur. — R6 in WP.6348/2003

7. The Commissioner,
Thoppampatti Panchayat Union
Thoppampatti, Madurai. — R6 in WP.6349/2003

4. The Commissioner,
Sedupavachatram Panchayat Union
Sedupavachatiram
Thanjavur District. — R4 in WP.7430/2003

3. The Assistant Director of
Local Fund Audit, District
Collectorate, Erode.

4. The Commissioner,
Nambiyoor Panchayat Union,
Nambiyoor Palakodu,
Erode District. — RR 3 and 4 in WP.7431/2003

3. The Assistant Director of
Local Fund Audit, District
Collectorate, Dharmapuri.

4. The Commissioner,
Palakodu Panchayat Union,
Palakodu, Dharmapuri District. — RR 3 and 4 in WP.6482/2003

5. The District Collector,
Collector's Office, Thiruvellore,
Thiruvellore District - 602001.

6. The Commissioner
Ellapuram Panchayat Union,
Perivapalayam, Uthukottai Taluk,
Thiruvellore District - 601102 — RR 5 and 6 in WP.8049/2003

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3. Collector of Ramnad
Ramnad

4. Deputy Director,
Medical Sciences (TB) Section,
District Head Quarters Hospital
Ramnad

5. The Commissioner,
Panchayat Union,
Ramnad, Ramnad District. RR 3 to 5 in WP.19980 of 2003

6. The Commissioner,
Melur Panchayat Uinon
Melur, Madurai R6 in WP.16223/2003 & 16225/2003

6. The Commissioner
Kadayampatti Panchayat Union
Omalur Taluk, Salem District R6 in WP.16224/2003

6. The Collector of Ramnad,
Ramnad.

7. The Commissioner,
Panchayat Union,
R.s.Mangalam,
Ramnad District. RR 6 & 7 in WP.13272/2001

3. The District Collector,
Kancheepuram District,
Kancheepuram

4. The Commissioner,
Block Development Office,
Acharapakkam,
Kancheepuram District RR 3 & 4 in WP.24284/2001

3. The Collector,
Karur District, Karur

4. The Collector,
Dharmapuri District,
Dharmapuri.

5. The Commissioner
Karur Panchayat Union,
Karur

6. The Commissioner,
Marappur Panchayat Union,
Harur Taluk,
Dharmapuri Taluk. RR 3 to 6 in WP.674/99

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Writ Petition No.30003 of 2004 filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records relating to the impugned order of the Tamil Nadu Administrative Tribunal
1.(the second respondent herein) in O.A.No.1526 of 2001, dated 23.2.2004
2.O.A.No.8853/2000 dated 23.2.2004
3.O.A.No.4007/2001 dated 23.2.2004
4.O.A.No.2572/2001 dated 23.2.2004
5.O.A.No.654/2001 dated 23.2.2004
6.O.A.No.6598/2001 dated 23.2.2004
upholding Paragraph 3(e) of G.O.Ms.No.250, Rural Development (E-5) Department, dated 14.9.2000 and quash the said order in O.A.No.1526 of 2001, dated 23.2.2004
2.quash the said order in O.A.No.8853/2000 dated 23.2.2004.
3.O.A.No.4007/2001 dated 23.2.2004
4.O.A.No.2572/2001 dated 23.2.2004
and Paragraph 3(e) of G.O.Ms.No.250, Rural Development (E-5) Department, dated 14.9.2000 and direct the Government to allow all the benefits mentioned in Paragraph 3(e) of G.O.Ms.No.250, Rural Development (E-5) Department, dated 14.9.2000.

5.Rules 3(e)(g) and (h) and quash the same and directing the respondents 2 to 4 to regularise the services of the Rural Medical Practioners working in Rural Dispensaries run by the Panchayat Union on regular basis with effect from 1.10.1984 as directed by the Hon'ble High Court, Madras in WA.922 of 1995 dated 1.12.1995 with al monetary and other benefits (WP.12864/2004)

6.Writ of Certiorari, calling for the entire records connected with impugned order in G.O.Ms.No.250 dated 14.9.2000 on the file of the first respondent and consequential impugned order in Na.Ka.No.337/2003/A1 dated 27.6.2003 passed by the 3rd respondent and quash the same (WP.No.19744/2004)

7.Writ of Certiorari, calling for the records relating to the order passed by the Commissioner of Sivaganga Panchayat Union in Na.Ka.No.A7/3737/2002 dated 24.2.2004 and to quash the same (WP.7362/2004)

8.quash the said order in OA.No.6598/2001 dated 23.2.2004.

9.Writ of Certiorarified Mandamus, calling for the records relating to the G.O.Ms.No.250 (Rural Development Department - E5) dated 14.9.2000 issued by the Secretary, The Rural Development Department, the first respondent herein, and quash the same as unjust inequitable and arbitrary and consequently direct the respondents to restore all the benefits including the terminal benefits to the Rural Medical Officers working in the rural dispensaries in Panchayat Union of the State (WP.8674/2002 and 13422/2002)

10.to direct the respondents 1 to 5 to extend pension benefits and all the other terminal benefits to the petitioner treating the petitioner as a full time government servant calculating the petitioner service till 29.2.1996 (WP.15383/2002)

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11.Writ of Certiorari, to call for the records relating to the impugned order of the second respondent in Na.Ka.No.5739/2001/A1 dated 12.2.2002 and quash the same. (WP.7397/2002)

12.Writ of Certiorarified Mandamus calling for the records relating to the order passed by the commissioner of Kolathoor Panchayat Union in Na.Ka.No.286/02/A1 dated 14.2.2002 and to fix the salary and all attendant and monetary benefits under the time scale of pay as mentioned in G.O.Ms.No.16, Rural Development Department, dated 29.1.98 (WP.No.10038/2002)

13.the consequential order of the third respondent passed in Na.Ka.No.1641/2001/A1 dated Nil 7,2001 and quash the same and consequently direct the respondents to grant pension, gratuity, family pension and other eligible pensionary benefits including the selection grade and the special grade to the petitioner continuing his entire period of service from his date of initial appointment (WP.11011/2002)

14.to call for the records relating to the impugned order of the second respondent in Na.Ka.No.689/2001/A4 dated 22.3.2002 and quash the same. (WP.14612/2002)

15.to call for the records relating to the impugned order of the second respondent in Na.Ka.No.5739/2001/A1 dated 22.2.2002 and quash the same. (WP.7818/2002)

16.Writ of Certiorarified Mandamus, calling for the entire records relating to the letter in Na.Ka.No.5935/99/A4 dated 18.3.2002 on the file of the third respondent to settle the attendant and terminal benefits and pay pension to the petitioner as early date and allow this writ petition with costs. (WP.No.20316/2002)

17.Writ of Certiorarified Mandamus, calling for the entire records connected with impugned order in G.O.Ms.No.250 dated 14.9.2000 on the file of the first respondent as consequential impugned order in Na.Ka.No.A1/2549/2002 dated 24.7.2002 passed by the 3rd respondent and quash the same (WP.No.42550/2002)

18.Writ of Certiorarified Mandamus, calling for the records relating to the G.O.Ms.No.250, Rural Development (E5) Department, dated 14.9.2000 issued by the first respondent herein quash the same and consequently direct the respondents 1 to 5 to extend all the terminal benefits to the petitioner (WP.21674 to 21680/2000)

19.direct the respondents 1 to 5 to extend all the terminal benefits to the Rural Medical Officer working in the rural dispensaries in the panchayat union (WP.21729/2000)

20.direct the respondents 1 to 5 to extend all the terminal benefits to the rural medical officers working in the rural dispensaries in the Panchayat Union treating them as full time government servants (WP.No.20996/2000 , 13272/2001)

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21.direct the respondents 1 to 6 to extend all the terminal benefits to the petition treating as a full time government servant (WP.6348 & 6349/2003)

22.Writ of Certiorari, calling for the records relating to the order No.Ka.No.3271/2002/A1 dated 6.8.2002 passed bythe fourth respondent herein quash the same (WP.7430/2003)

23.calling for the records relating to the order No.Ka.No.5593/2001/A6 dated 7.5.2002 passed by the fourth respondent herein and quash the same. (WP.7431/2003)

24.calling for the records relating to the order in Na.Ka.No.2402/2000/A7 dated 4.2.2003 passed by the fourth respondent herein quash the same (WP.6482/2003)

25.to direct the respondents 1 to 6 to treat the petitioner's service as continuous up to 30.6.1995 and confer all terminal benefits (WP.8049/2003)

26.to call for the records relating to the impugned order passed by the 5th respondent dated 30.6.2003 in his order no.Na.Ka.No.4992/01/A3, quash the same and to direct the 5th respondent to reinstate the petitioner as Medical Officer, Panchayat Union Siddha Dispensary with all monetary benefits (WP.19980/2003)

27.to direct the respondents 1 to 6 to extend all the terminal benefits to the petitioner treating as a full time government servant (WP.16223 to 16225/2001)

28.to direct the respondents 1 to 5 to extend all the terminal benefits to the petitioner (Wps.3305 to 3311/2001, 4938, 8124, 13756/2001, 24284/2001.

29.Writ of Certiorari calling for the records of the second respondent in Na.Ka.No.33022/98/E3 dated 10.8.1998 and quash the same (WP.674/99)

For Respondents in W.P.No.20316 of 2002 : Mrs.V.Velumani,Addl.G.P.
for RR-1 & 2
R-3 Served, no appearance

For Respondents in W.P.No.30003 of 2004 : Mrs.V.Velumani, Addl.G.P.
for R-1
R-2 Tribunal

Mr.P.Rajendran - Petitioners in WP.30003, 30750, 30825, 38583, 38584/2004, 7845/2005, 7397/2002, 14612/2002, 7818/2002.

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Mr.K.Vaidyanathan - Petitioner in WP.No.12864/2004.

Mr.S.N.Ravichandran - Petitioner in WP.No.19744/2004, 42550/2002

Mr.B.Pugalendhi - Petitioner in WP.No.7362/2004, 15383/2002, 10038/2002, 21674 to 21680/2000, 21729 of 2000, 6348 and 6349/2003, 7430 &7431/2003, 6482/2003, 3305 to 3311/2001, 16223 to 16225/2001.

Mr.J.Thilagaraj - Petitioner in WP.8674/2002, 13422/2002

Mr.V.Sanjeevi - Petitioner in WP.11011/2002

Mr.M.Sathyanarayanan - Petitioner in WP.20316/2002

M/S.S.Rajeswaran &
S.Murugaian - Petitioner in WP.20996/2000

Mr.M.Vaidyanathan - Petitioner in WP.8049/2003

Mr.M.Md.Ibrahim Ali - Petitioner in WP.19980/2003, 13272/2001

Mr.N.S.Mukundan - Petitioner in WP.13756/2001

Mr.V.Sairam - Petitioner in WP.24284/2001 & 674/99

COMMON ORDER

(The Order of the Court was made by R.Sudhakar,J.)

The present batch of writ petitions have been filed by the Rural Medical Officers working in the various dispensaries run by the Panchayat Unions in the State of Tamil Nadu. Such Medical Officers are appointed from persons who have the following qualification:

> "(i) 'A' Special: BIM, Medical Practitioners who have undergone Special Training for 4-1/2 years in a Government Recognised Medical Institution – Registered after 1972.
>
> (ii) 'A' Class: LIM, Medical Practitioners who have undergone Training for 4 years in Government Recognised Medical Institutions and passed in the examination conducted by Government approved Board of Examination. The registration has been abolished for LIM from 1946 and ICIM from 1960.
>
> (iii) 'B2' Class: B-II Medical Practitioners are those who have undergone special training for four years in Government approved Medical Institutions / Gurukulam and obtained Diploma / Certificate having 10 years of continuous practice and passed in the written and oral tests as per the Government approved syllabus (Siddha, Ayurvedha, Unani). This was followed from 1972 to 1982.

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(iv) 'B1' Class: B1 Class practitioners are those who have undergone continuous training in Ayurvedic system for four years in a Government approved Medical Institutions and obtained Certificate / Diploma. They are not eligible to be appointed in the dispensaries of Siddha or Unani System.

(v) 'B' Class: B Class Medical Practitioners are those who have obtained Certificate from Tahsildar for Practising for 10 years as hereditary Medical Practitioner.

(vi) 'C' Class: C-Class Medical Practitioners are those who have undergone 6 months training as Village Vaidyas in a District Hospital. This has been abolished since 1954."

In cases where 'A' Class registered practitioners are not available, B1, B2 and C Class registered hereditary Siddha and Homoeopathy Medical Practitioners are appointed. Apart from the regular dispensaries, the Panchayat Unions, the Town Panchayats and Townships also run rural dispensaries. In the rural dispensaries, the Medical Officers are appointed from B1, B2 and C Class registered hereditary medical practitioners. By G.O.No.2446, Education and Public Health Department (Public Health), 24.9.1937, the Government granted permission to medical practitioners in-charge of rural dispensaries subject to approval by the Presidents of Local Boards concerned to adopt 7 am to 10 am and 3 pm to 5 pm as working hours of rural dispensaries on week days instead of 7 am to 12 noon fixed by the earlier Government Order of the year 1935. By G.O.Ms.No.1300, Rural Development and Local Administration Department, dated 22.5.1974, based on the representation from the Panchayat Union Employees, the Government allowed the pensionary and gratuity benefits applicable to Government servants be also made applicable to the Panchayat Unions, Town Panchayats and Panchayat Township employees excluding the Panchayat Union Teachers, with effect from 1.4.1974. By G.O.Ms.No.94, Indian Medicine and Homoeopathy Department, dated 31.10.1984, the Government fixed the time-frame for working in the rural dispensaries as follows:

"The Government may direct that the working hours of all the rural and regular dispensaries of Indian Medicine run by the local bodies and by the Government be fixed from 7.30 am to 10.30 am and from 3.00 pm to 5.00 pm and in respect of all the dispensaries functioning in hill stations from 8.30 am to 11.30 am and from 3.30 pm to 5.30 pm."

2. One Dr.Krishnamurthy, a registered medical practitioner in Class B-II in the Register of Medical Practitioners, who was working as a medical practitioner in rural dispensary, appointed in 1976, approached the High Court by filing W.P.No.863 of 1989 praying for payment of salary in the time scale of pay with effect from the date of his appointment. The Writ Petition was allowed and the High Court ordered payment of salary in time scale of pay with effect from 11.7.1985. The Government as well as the individual rural medical officer filed Writ Appeals challenging the order of the single Judge. The First Bench of this Court modified the

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order of the single Judge by holding that arrears of pay according to pay scale fixed by the single Judge shall be disbursed to the appellant-rural medical officer and similarly placed persons with effect from 1.10.1984. The High Court held that B2 Class registered medical practitioners are eligible for time scale of pay with effect from 1.10.1984. Following the judgment, the Government also issued orders in G.O.Ms.No.16, Rural Development Department, dated 29.1.1998 allowing payment of salary in the time scale of pay with effect from 1.10.1984 to all the medical practitioners working in the rural dispensaries. After payment of salary as above, B1, B2 and C Class registered medical practitioners were working in rural dispensaries as stated above. Since the same has been categorised as a superior service, the authority, by letter dated 10.8.1998, clarified that as per F.R.56(1)(a), the age of retirement of medical practitioners working in the rural dispensaries who are allowed time scale of pay as stated above, is on attaining the age of 58 years instead of 60 years which was in vogue prior to the time scale of pay granted to rural medical practitioners.

3. It was contended by the respondents-Department before this Court on the earlier round of litigation that the petitioner was appointed on part time basis/contract basis. While deciding this issue, a learned Single Judge of this Court came to the conclusion that the appointment of the petitioner was on full time basis and in view of the continuous service for several years, the learned Single Judge came to the conclusion that the petitioner was appointed in the permanent post and entitled to monetary benefit with effect from 11.7.1985 in terms of the order in W.P.No.863 of 1989, dated 8.3.1995, which was modified in W.A.No.922 of 1995 as effective from 1.10.1984.

4. After the disposal of the said Writ Appeal, the petitioner in W.P.No.863 of 1989 and the petitioner in W.P.No.20316 of 2002 – Dr.J.Krishnamoorthy made a representation on 14.2.1997 requesting the authorities to pay all the attendant benefits such as compensatory and special allowances, special pay, surrender leave, interim relief, house rent allowance, medical allowance and general provident fund, pursuant to the fixation of time scale of pay. Some of his claims were granted by the Commissioner of Thirumurugal Panchayat Union on various dates. In effect, the petitioner was granted special pay, special compensatory allowance, medical allowance, medical leave, earned leave, payment on surrender of earned leave, selection grade scale of pay, as applicable to the Government servants.

5. In the meanwhile, on 31.10.1998, the petitioner attained the age of super-annuation and in such event, the attendant benefits pursuant to the fixation of time scale of pay and the terminal benefits were not settled. Hence, the petitioner in the above writ petition made a representation to the Commissioner, Mannargudi Panchayat Union, for the above relief. Several legal notices were issued and all this endeavour ended in vain. However, by proceedings in Na.Ka.No.5939/99/A4 dated 18.3.2002, placing reliance on G.O.Ms.No.250, Rural Development Department, dated 14.9.2000, the Commissioner of Mannargudi Panchayat Union stated that the services of Rural Medical Officers are on part time basis, that they are not entitled to pension and other terminal benefits and therefore the claim of the

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petitioner was declined. The present Writ Petition W.P.No.20136 of 2002 has been filed in view of such rejection of the claim of the petitioner.

6. After passing of G.O.Ms.No,250, Rural Development Department, dated 14.9.2000, several batch of Original Applications were filed before the Tamilnadu Administrative Tribunal by Siddha Medical Practitioners working in rural dispensaries in various panchayat unions in the State of Tamilnadu. The Siddha Medical Practitioners are appointed from B1, B2 and C Class registered hereditary Medical Practitioners.

7. It is the contention of the petitioners in the Original Applications that based on the order of the learned Single Judge in W.P.No.863 of 1989 as confirmed by a Division Bench of this Court in W.A.No.922 of 1995, the Government issued G.O.Ms.No.16, Rural Development Department, dated 29.1.1998 allowing payment of salary in the time scale of pay with effect from 1.10.1984 to all the Medical Practitioners working in rural dispensaries. While the Rural Medical Practitioners were working in the time scale of pay and discharging their duties as regular employees of the Panchayat Unions, to their shock and surprise, G.O.Ms.No.250, Rural Development Department, dated 14.9.2000 was issued, which reads as follows :

> "Rural Development Department - Panchayat Union Rural Medical Officers - Time Scale of pay granted - Assessment of functioning of Rural dispensaries, filling up of vacancies and the eligibility of Rural medical officers for other benefits - orders issued.
>
> ---
>
> Rural Development Department
>
> G.O.(M.S.)No.250 Date: 14.09.2000
>
> Ref:
>
> 1) G.O.(M.S.)No.16, Rural Development Department, dated 29.01.1998.
>
> 2) The Director of Local Fund Audit letter Na.Ka.No.30740/99/01 dated 30.05.1999.
>
> 3) The Director of Local Fund Audit letter Na.Ka.No.18503/E3/97 dated 29.07.1999.
>
> 4) Government letter No.29161/E5/98-12, Rural Development Department, dated 27.09.1999.
>
> 5) The Director of Rural Development, letter Na.Ka.No.106744/98/E3 dated 29.01.2000.
>
> ----
>
> ORDER
>
> There are two types of dispensaries regular dispensaries and part time rural dispensaries in the control of the Panchayat unions. Registered B1, B2, C hereditary practitioners were appointed on consolidated pay in the part time rural dispensaries and qualified doctors were appointed on time scale of pay in the regular dispensaries. The part time rural medical officers working in panchayat union were placed under the time scale of

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pay as per the orders of the Madras High Court from 01.10.1984 as Rs.780-35-1025-40-1385 and Rs.1820-60-2300-75-3200 from 01.06.1998 onwards ordered as per the G.O. referred as item no.1 in the reference. The Director of Rural Development informs that among the 345 part time rural medical officers in the panchayat unions who were placed in the scale of pay as per the government order; among this 93 are vacant; and 112 are qualified medical graduates or diploma holders; and 108 are B2 registered doctors. The remaining has studied up to Xth standard or below that.

2. Clarifications from the government were sought for that whether the rural medical dispensaries shall continue as part time dispensaries? Whether the vacancies of rural medical officers shall be filed up? Whether the rural medical officers are entitled for the other benefits that of other regular employees? The working hours of the rural medical officers and their responsibilities, further the graduate medical officers working in the panchayat union regular dispensaries if go for further studies whether they are entitled for full salary or stipend alone. Further the rural medical officers in the regular dispensaries whether entitled for rural allowance and personal pay as that of the medical officers working in the primary health centers?

3. The Government in consideration of the above issues in consultation with the Director of Rural Development and the Director of Local Fund Audit issue the following orders.

a) The basic norms like population and distance for opening a government dispensary are available in the Public Welfare Department. The functions of the rural dispensaries were not assessed so far. And therefore the Director of Government Developments is directed to assess the necessity of the present panchayat union dispensaries and their functions. The panchayat unions are therefore restrained from opening rural dispensaries till the government takes its decision on the assessment report.

b) Since there are primary health centres and health centres are available in all the panchayats in Tamil Nadu the rural dispensaries shall function as part time dispensaries.

c) The vacancies for the rural medical officers shall be filled up with part time rural medical officers by the panchayat unions appointing committees. The appointing committees has to take the advice of the District Public Welfare Officer for the appointments of the rural medical officers as per the (guidelines) in para 2 of G.O.M.S.No.99, Rural Development Department dated 24.04.1992.

d) In the post of Rural Medical Officers at present graduates and certificate holders like B1, B2, C registered medical practitioners and of different qualifications are working. They are all doing the same work and they are all part time rural medical officers. Therefore without giving any discrimination as per the education qualification all of them has to be paid salary as per the orders of the High Court and as per G.O.M.S.No.16, rural development department, dated 29.01.1998.

e) Pension benefits are eligible only for the regular employees. The panchayat union rural medical officer post is a part time post and therefore the part time rural medical officers

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are not entitled for the pension benefits. The other terminal benefits applicable for regular employees like selection grade, special grade, compassionate ground appointments, group insurance, provident fund, encashment of earn leave and surrender are not applicable to the part time medical officers.

f) The time scale of pay is paid to the part time rural medical officers as per the orders passed by the High Court. With regard to this the orders passed by the Director of rural development in K.No.100744/98/E3 dated 16.03.1999 was issued without getting the prior permission from the government and it differs from the working hours of part time rural dispensaries as stipulated in G.O.M.S.No.246, Rural Development, dated 15.11.1996. Therefore the director of rural development is empowered to pass revised orders with regard to the working hours and the responsibilities of the rural medical officers according to para 3(b) above referred and in consultation with the Director of public health department.

g) Considering the nature of work there is no necessity for post graduation for the post of panchayat union regular medical officers and part time rural medical officers. Those rural medical officers who were already under going post graduations are entitled only for stipend during that period. Since they are entitled for stipend they are not entitled for scale of pay during their further studies when they are not doing service in the panchayat unions.

h) The medical officers in panchayat union rural dispensaries are appointed from the villages and further the responsibilities are less than that of the medical officers working in primary health centres and the government doctors. And therefore they are not entitled for rural allowance and personal pay.

4. The government order shall be communicated and shall be acknowledged to all the Commissioners of the Panchayat Unions and the District Collectors.

5. The government order is passed in concurrence with the Finance Department A.S.No.2627/FS/P/2000 dated 2000.

(By the orders of the Governor)
Ramesh Chandra Pandaa
Government Secretary."

8. In terms of the said Government Order in G.O.Ms.No.250, dated 14.9.2000, the Rural Medical Practitioners were treated as part-time Medical Officers on part-time post and disentitled for pension and other benefits like Death-cum-Retirement Gratuity, General Provident Fund, Family Benefit Fund, Selection Grade, Special Grade, Encashment of Earned Leave and Unearned Leave and such other benefits. Aggrieved by the said Government Order in G.O.Ms.No.250, dated 14.9.2000, several batch of Original Applications came to be filed before the Tribunal challenging the Government Order on various grounds. Most of the rural medical officers prayed for quashing paragraph 3(e) of the said G.O.Ms.No.250 and to regularise the services of the rural medical practitioners working in rural dispensaries run by the Panchayat Unions on regular basis with

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effect from 1.10.1984 as directed by the Madras High Court in W.A.No.922 of 1995, dated 1.2.1996 with all monetary and other benefits. Some of them challenged paragraph 3(g) and (h) of G.O.Ms.No.250, dated 14.9.2000. The Tribunal, while deciding the Original Applications, rejected the contention of the Rural Medical Practitioners and upheld the said Government Order in G.O.Ms.No.250, dated 14.9.2000. The relevant portion of the order of the Tribunal reads as follows :

> "Just because the High Court has directed to pay time scale of pay, it does not mean that automatically they became full time Government servants. I have gone through the judgment of High Court both in writ petition and the writ appeal and it was never agitated that all the Rural Medical Practitioners as Panchayat Union Rural shall be treated as full time Government servants or that they are entitled to other benefits like pension etc. Given the nature of work allotted to them and in view of the fact that persons registered as B1, B2 and C Class Indian Medical Practitioners are also allowed to be appointed in regular medical dispensaries, the High Court has directed time scale of pay to these applicants and only this better emoluments was ordered by the High Court and it was not agitated before the High Court nor High Court has granted that these applicants/Rural Medical Officers shall be treated as full time Government servants. In view of the fact that they have been granted time scale of pay and that all these dispensaries are being run by panchayat unions, which are already suffering from want of sufficient funds, Government has taken a policy decision of not filling up of any more vacancies of Rural Medical Officers in rural dispensaries and further appointments also have been stopped. Only about 200 persons are presently employed and all of them are not having any regular degree in Indian Medicine and all these applicants are only B1, B2 and C Class registered Indian Medical Practitioners. The service rendered by them is also only marginal and it is not as if that people are resorting in large scale seeking medical aid or treatment from these dispensaries. Therefore, in view of agitation for better service amenities made by these unqualified practitioners of Indian Medicine the Government has decided not to fill up vacancies in future.
>
> As already pointed out Government is already providing medical facilities which are available even to remote villages by establishing primary health centres and sub.centres, taluk head quarters and district headquarters hospital. Huge funds are being spent and Medical Officers are also made available even to poor and downtrodden people living in rural areas. Only limited funds are available in the panchayat union which have established regular dispensaries and rural dispensaries where native medical reliefs are given and they are manned by this unqualified Rural Medical Officers. It is for the Government to take a policy decision and the Government has not made them full time Government servants and they are only employed by panchayat unions and panchayat unions have only limited funds at their disposal and therefore they are only being paid time scale of pay which also High Court has directed them to pay.

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The rural dispensaries were never made full time dispensaries. They are not treating any in-patients and only few people come and seek assistance of Rural Medical Practitioners and therefore Government cannot afford to spend huge amount towards establishment of these rural dispensaries. If the Government is compelled to pay them pension and grant them benefits like Selection Grade, Special Grade, General Provident Fund and other leave concessions, it would only mean huge expenditure which are not available with the panchayat unions and the alternative is to close down the rural dispensaries. Government has taken decision wherein these rural dispensaries are to be maintained and manned by Rural Medical Officers practising Indian Medicine and they are only part time servants of the panchayat union and therefore it is made clear by the impugned G.O. that they are not entitled to pension or other benefits which Government servants are entitled. Courts cannot direct the Government to treat all these persons as full time Government servants involving huge expenditure and it is for the Government to take decision and the Government has taken decision as reflected in G.O.Ms.No.250 dated 29.1.1998 which is not vitiated by any illegality or impropriety.

Given the limited qualification Rural Practitioners are possessed of and the fact that only a small section of people are trying to seek medical help from these dispensaries, Government is perfectly correct in rejecting the request of medical practitioners to employ them as full time Government servants or to pay them all the service benefits which other Government servants are entitled. It cannot be stated that Rural Medical Officers are being discriminated or they are not given equal treatment with others. In fact in regular medical dispensaries run by panchayat union, persons with degrees in Indian Medicines are employed and they are full time workers whereas these Rural Medical Officers have not acquired any qualification for that and their service as native doctors is being utilized to a limited extent. Their services also sought for only by microscopic minority of rural people. Therefore they cannot be treated on par with other persons with regular degrees either Indian Medicine or Allopathy. Therefore there is no question of unequal treatment or discrimination against Rural Medical Officers.

High Court has itself granted them time scale of pay which Government has immediately implemented and the applicant cannot compel the Government to grant them pension and other service benefits granted to full time Government servants. All these medical rural dispensaries are run by panchayat unions and they have got limited resources and these applicants are not having any regular qualification or any degree and therefore they must be satisfied with the salary in the time scale of pay given to them by High Court which is being implemented by the Government. The impugned G.O. cannot be quashed since it is not vitiated by any illegality or impropriety."

Based on the said Government Order in G.O.Ms.No.250, dated 14.9.2000, proceedings have been initiated for recovery of certain amounts. Aggrieved

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by the same, several writ petitions have also been filed challenging such recoveries.

9. The common issue which runs in all these cases is as to whether the Government is entitled to resile from its earlier stand that all the petitioners in these cases, who have been granted the time scale of pay and treated as regular employees of the respective Panchayat Unions, should be denied the attendant benefits pursuant to the said Government Order in G.O.Ms.No.250, dated 14.9.2000. Certain vital materials will have to be required to be considered for better appreciation of the issue in this case.

10. Before the matter is taken up further, it will be useful to refer to the relevant observations of the learned single Judge in W.P.No.863 of 1989, order dated 8.3.1995, which are as follows:

> "4. The respondents though they have raised a plea in the counter affidavit that the petitioner was appointed on part time basis or on a contract basis, such contention has not been established by any acceptable documentary evidence. On the other hand, the order of appointment itself would show that the appointment was neither on contract nor on part-time basis. In the absence of such specification, the appointment made must be regarded as one made on full time basis. The number of hours for which the petitioner was required to work is not mentioned in the appointment order. It is the admitted case of the respondents that the hours of work at the dispensary which is required to be looked after by the petitioner is from 7.30 a.m. to 10.30 a.m. and again from 3.00 p.m. to 5.00 p.m. Therefore, the number of working hours per day is obviously five hours. As to whether the dispensary will be closed on Saturday or not is not clear from the averments made in the pleading. There is nothing on record to show that the appointment of the petitioner was on a contract basis. No contract has been produced.
>
> 8. ... As already noticed on the facts of this case, it is clear that the petitioner was only appointed to a full time post and as has been working in that post for well over 17 years he certainly be regarded as one, who is holding that post on a permanent basis. He cannot be regarded as one, who is still holding a temporary post. Considering the hours of work, it cannot be said that the appointment to the post is on part time basis, in the absence of an averment in the Respondents in their affidavits regarding the hours of work of those on the time scale of pay.
>
> 9. It is settled law that persons performing similar work are to be similarly remunerated unless there are special factors justifying differential scale of remuneration. It is admitted impliedly that

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the working hours of the petitioner are the same as that of the persons, who have been placed in the time scale of pay. Respondents have not placed any material to rebut the petitioner's claim for equal remuneration except to assert that the petitioner is employed on a part time basis. The factors if any which distinguish the petitioner from those given the time scale and puts those persons in a class different from the petitioner, have not been pleaded nor has any material been placed before the Court in that regard. The fact that some Rural Medical Practitioners in B2 Class registered Medical Practitioners have been given the time scale is evident from the order of this Court in W.P.1071 of 1990 decided on 24.07.1990.

10. It was submitted for the petitioner that the petitioner had made a number of representations and the same not having elicited any positive response, petitioner has filed this petition. This petition was filed in the year 1989. The petitioner has produced copy of the audit objection which had been raised in the year 1985 wherein it was pointed out that the petitioner should have been given time scale of pay of Rs.780-1385. The petitioner has also produced letters written by the Commissioner of Panchayat Union recommending that the petitioner be given the benefit of the time scale of pay. Documents have also been produced to show that the nurse working under him is getting a salary of over Rs.1000/- while the petitioner, the Doctor in charge of the dispensary is paid the paltry sum of Rs.300/- as salary. Petitioner has stated that on an average 54 patients are treated each day at the dispensary.

11. Petitioner is therefore entitled to be placed in the time scale of pay fixed by the Government for Medical Officer (B2) Ayurvedha in Appendix VII of the Tamil Nadu Revised Scale of Pay Rules, 1985, with effect from 11.07.1985. The benefit of the time scale cannot be given from the date of his appointment as he did not approach this Court earlier and the State cannot now be saddled with the burden of having to pay for years long past. Petitioner shall be given the monetary benefits for the period from 11.07.85 and he shall be paid salary in future in the scale to which the scale fixed in 1985 has since been revised.

Respondents to comply with the order within four months from the date of receipt of a copy of this order." (emphasis supplied)

Thus, in W.P.No.863 of 1989, the learned single Judge came to a clear finding that the Rural Medical Officers were holding the post on permanent basis and the learned single Judge also came to the conclusion that they are entitled to time scale of pay.

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11. Thereafter, both the Rural Medical Officers and the Government went on Appeal. The First Bench of this Court, by judgment dated 1.2.1996

in W.A.Nos.922, 1036 of 1995 and 95 of 1996, upheld the order of the learned single Judge, however with some modifications with regard to the date of fixation of scale of pay. The First Bench, while dealing with the matter, had an occasion to consider various Government Orders, in particular, G.O.Ms.No.737, Finance (Pay Cell) Department, dated 11.7.1985 and the stand of the Department with regard to the fixation of time scale of pay. It will be useful to refer to certain portions of the judgment of the First Bench, dated 1.2.1996, which are as follows:

> "4. It is the case of the petitioner that he should have been placed on a time-scale of pay, right from the beginning and made eligible for the revised scales from time to time. However, his representations in this regard, were not considered favourably. It is pointed out that the post of Assistant Medical Officer (Indian Medicine) under the Panchayat Medical Services falls under entry 4 in Branch 1 Medical of the Government Order, G.O.Ms.No.912 dated 20.05.1977.It is the contention of the petitioner that all the Medical Officers under the Panchayat under various categories form a single cadre and therefore, they are entitled to be paid the same scale of pay irrespective of their qualifications like 'B', B-I, 'C' or 'B-II' Class Medical Practitioners. The stand of the petitioner had been upheld in a similar case relating to one Shanmugam a 'B-II' Medical Practitioner, working in Sivaganga Panchayat Union in W.P.No.1538 of 1978. That judgment of the High Court was accepted by the Government in G.O.Ms.No.1068, Health and Family Welfare Department, dated 28.06.1983. A perusal of the said Government Order shows that the Government was prepared to give the same scale of pay to B-II Class Medical Practitioner even though the scale of pay was prescribed for B-I and 'C' Class Medical Practitioners. What is more, the Indian Medical and Homoeopathy Rural Medical Officers Association made a representation to the Government on 24.06.1985, that the scales of pay of Medical Officers having B.I.M., L.I.M, B-I, and B-II Grades had been omitted in the Pay Commission Report and they should be properly fixed and orders issued. The said representation was examined and accepted by the Government. The result was the issue of G.O.Ms.No.737, Finance (Pay Cell) Department, dated 11.07.1985. Since, this Government Order clinches the issue in favour of the petitioner, we extract the same:-
>
> "The following amendment is issued to the Appendix VII of the Tamil Nadu Revised Scales of Pay Rules, 1985. The amendment hereby made shall be deemed to have come into force with effect from 01.10.1984:
>
> AMENDMENT
>
> In the said Appendix under the heading "Panchayat Union Staff" the following shall be

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substituted for Sl.No.2 and the following shall be added as Sl.Nos.2A, 2B, 2C, 2D, 2E and 2F:-

Column (1)	Column (2)	Column (3)	Column (4)
2.Medical Officer (with BSH & S qualification)	600-1050	1340-2435	1575-2685
2A.Medical Officer (Allopathy)	750-1050	1340-2435	1575-2685
2B.Medical Officer (BSM S, Siddha)	600-1050	1340-2435	1575-2685
2C.Medical Officer (BIM) (Siddha)	600-1050	1340-2435	1575-2685
2D.Medical Officer (LIM) (Ayurvedha)	450-800	780-1385	905-1545
2E.Medical Officer (B-I Ayurvedha)	450-800	780-1385	905-1545
2F.Medical Officer (B-IIAyurvedha)	450-800	780-1385	905-1545

The issue of the said Government Order was also confirmed by the Deputy Secretary to Government in his letter No.4485/B2/85-2/dated 28.11.1986. It is as follows:

> "I am directed to inform you that regarding the salary of the Medical Officer in the regular Ayurvedha LIM, B-I, B-II and Siddha BSH & S. BIM in the dispensaries functioning under the control of Panchayat Union, Government Order has been issued in G.O.Ms.No.737, Finance Department (Pay Cell) dated 11.07.1985."

5. Union relating to B1 and 'C' Class practitioners in the Local Bodies and the appointment of certain B.2 Class Practitioners has been removed by a letter dated 12.01.1987 written by the Director of Indian Medicine and Homoeopathy in references No.32959/A3/86. In this letter, the Director clearly explains how the B-2 Class practitioners came to be appointed and why they were denied the scale of pay applicable to B-1 and 'C' Class practitioners. It is pointed out that B-2 Class practitioners came to be registered only from 1973, that is subsequent to the Government Order 2028, dated 02.08.1971. He points out

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that there were several representations from B-2 Class Practitioners for determining their status as more than or equal to B-1 Class practitioners. After examining the definition of each class of practitioners that the Director was of the opinion that B-2 Class practitioner now also be treated on par with B-1 Class practitioners and that they may also be placed in the time-scale of pay as in the case of B-1 and 'C' Class practitioners with retrospective effect. There is also a communication from the Registrar of the Tamil Nadu Board of Indian Medicine addressed to one of the candidate which reads as follows:-

> "You are informed that traditionally trained/hereditary practitioners registered under proviso to G.O.Ms.No.3433, Health, dated 26.11.1957 under 'B' Class and B-II Class are one and the same".

The revision of pay allowed in G.O.Ms.No.737 dated 11.07.1985 to B-2 Class Medical Officers has been maintained in the subsequent orders as seen from G.O.Ms.No.803, Finance Pay Commission, dated 26.07.1990.

6. In the Counter Affidavits filed by respondents 1 to 3, their repeated plea is that the petitioner had been appointed on a consolidated pay and on a temporary basis and therefore, he is not entitled to the scale of pay, sought for by him. The fourth respondent says that he is not aware of the case of one Shanmugam who was dealt under G.O.Ms.No.1068, dated 28.06.1983. The fourth respondent proceeds on the basis that the scale of pay is not applicable to B-2 Class practitioners. Learned Judge who heard the Writ Petition, W.P.No.863 of 1989 held that it is settled law that persons performing similar work are to be similarly remunerated unless there are special factors justifying differential scale of remuneration. He found that the working hours of the petitioner were similar to those who were placed on a scale of pay. Learned Judge therefore, found that there was no justification for denying the scale of pay sought for by the petitioner. In fine, learned Judge held that the petitioner was entitled to be placed in the time scale of pay fixed by the Government for Medical Officer (B2 Ayurvedha) in Appendix VII of the Tamil Nadu Revised Scale of Pay Rules, 1985 with effect from 11.07.1985. We are in agreement with the above views expressed by the Learned Judge. Learned Judge however, denied the scale of pay from the date of appointment of the petitioner since, he had not approached the court on any earlier occasion. The Writ Appeal, W.A.No.922 of 1995, filed by the petitioner is against the denial of relief from the date of appointment,

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while Writ Appeal, W.A.No.95 of 1996 filed by respondents 1 to 3 and the Writ Appeal, W.A.No.1033 of 1995 by the fourth respondent are against the grant of relief to the petitioner. Learned counsel for the petitioner/Appellant in W.A.No.922 of 1995 fairly submits that even if the relief is denied for the grant of scale of pay from the date of his appointment there is no reason at all why he should be denied relief in accordance with the said Government Order, G.O.Ms.No.737, dated 11.07.1985 because the said Government Order itself says that the amendment would take effect from 01.10.1984. Acceptance of this submission would depend upon the view we take on the contentions raised by the appellants in the other two appeals.

7. Learned Government Pleader representing the case of the respondents 1 to 3 in W.A.No.95 of 1996 brings to our notice the qualifications required for certification of a Medical Practitioner in B-2 Grade. According to him, the Writ Petitioner has not acquired such qualifications as per the Annexure to the letter dated 06.04.1987. However, it is admitted in the grounds of appeal that the Writ Petitioner is, in fact, a registered B-2 Medical Practitioner. Compliance is also placed on Section 17 of the Indian Medicine Central Council Act, 1970. The Schedule to the Act prescribes the qualifications required for emolument of any State Register of Indian Medicine, is rightly contended by Mr.K.T.Palpandian for the Writ Petitioner, the Government did not choose to raise these objections in the counter affidavit filed by them in the Writ Petition. At any rate, if the Government had failed to prescribe the proper qualifications for registration as B-1 or B-2 class Medical Practitioners in accordance with the said Act, it is always open to them to do so for the future. The fact remains that the writ petitioner had been working continuously as Medical Practitioner and doing the same work as all other Medical Practitioners are required to do and enjoying a scale of pay right from the date of his appointment namely, 11.02.1976. We have also referred to the Government Order, G.O.Ms.No.737 dated 11.07.1985 and to the letter of the Director of Indian Medicine, and Homoeopathy dated 12.01.1987 wherein the Government have recognised B-2 Class Practitioners as equivalent to B-1 Class Practitioners and therefore, the petitioner is admitted to the scale of pay sought for by him. On the above state of affairs, the petitioner cannot be denied the scale of pay sought for by him at least from 01.10.1984 the effect from which date G.O.Ms.No.737, dated 11.07.1985 is made applicable. The petitioner should also be made eligible for the consequent revised scales announced by the Government

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of Tamil Nadu. The Writ Appeals are disposed of in the following terms:-

(a) The power of the Government to act in accordance with Section 17 of the Indian Medicine Central Council Act, 1970 is reserved.

(b) The order of the learned Judge is confirmed with the slight modification that the petitioner will be entitled to the scales of pay from 01.10.1984 and not from 11.07.1985 as directed by the Learned Single Judge. Writ Appeal No.922 of 1995 is allowed to the above extent. Writ Appeal Nos.1036 of 1995 and 95 of 1996 are dismissed with the above reservation. No costs."

12. Since the relief was given only to one of the Rural Medical Officers, a batch of writ petitions were filed and disposed of by a common order, by the First Bench of this Court, dated 8.8.1997 in W.P.Nos.2007 to 2017, 3719, 5116 to 5118 of 1997, which reads as follows:

"The learned counsel for the parties agree that the facts as well as questions of law arising in this case are squarely covered by a decision of a Division Bench of this Court in W.A.No.922 of 1995 etc., (J.KRISHNAMOORTHY VS. STATE OF TAMIL NADU AND OTHERS) decided on 1.2.1996. Consequently, the writ petitions are allowed in the following terms:

i) The petitioners are entitled to be placed in the time scale of pay fixed by the Government for Medical Officer (B2) Ayurvedha in Appendix VII of the Tamil Nadu Revised Scales of Pay Rules, 1985, with effect from 1.10.84. The benefit of the time scale cannot be given from the date of their appointment as they did not approach this Court earlier and the State cannot now be saddled with the burden of having to pay for years long past. Petitioners shall be given the monetary benefits for the period from 1.10.1984 and they shall be paid salary in future in the scale to which the scale fixed in 1985 has since been revised.

ii) The respondents shall comply with the order within four months from the date of receipt of a copy of this order; and

iii) The power of the Government to act in accordance with Section 17 of the Indian Medicine Central Council Act, 1970 is reserved.

2. It has been brought to our notice that the State is asking each individual to approach this Court to get an appropriate order by filing writ petitions in respect of the cases which are squarely covered by the law laid down by the said Judgment. We hereby direct the Chief Secretary, Government of Tamil Nadu to issue a direction to the Authorities concerned that the order of this Court should be implemented to all eligible persons, who are squarely covered by the law laid down by the above judgment and not to direct each

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individual to approach this Court for an appropriate relief.

3. The writ petitions are ordered accordingly. There will be no order as to costs. The State is further directed to ensure the implementation of the order of this Court. W.M.Ps. are dismissed as unnecessary."

13. Pursuant to the orders passed by the learned single Judge and the First Bench of this Court, the Government, complying with the said orders of this Court, issued G.O.Ms.No.16, Rural Development Department, dated 29.1.1998, which reads as follows:

"3. The government in careful considerations of the orders passed by the First Bench of the Madras High Court in W.P.Nos.2007-2017, 3719 and 5116-5118 of 1997, dated 08.08.1997 decided to implement the orders passed by the First Bench of the Madras High Court. Accordingly the rural medical officers have to be paid Rs.780-1385/- from 01.10.1984 and Rs.1820-3200 from 01.06.1988. Therefore the Government passed the orders for time scale of pay to the rural medical officers in consideration of the orders passed by the First Bench of the Madras High Court in W.P.Nos.2007-2017, 3719, 5116-5118 of 1997, dated 08.08.1997 as Rs.780-35-1025-40-1385 from 01.10.1984 and Rs.1820-60-2300-75-3200 from 01.06.1988.

4. The arrears of salary for the rural medical officers from 01.10.1984 shall be paid from the general fund of the panchayat union and shall be paid on instalments. The number of instalments shall be decided by the District Collector considering the availability of the general fund in the panchayat union."

14. After passing of the said G.O.Ms.No.16, dated 29.1.1998, a doubt was entertained by some of the District Collectors, whether the post of Rural Medical Officers is a full-time or part-time for the purpose of filling up of the future vacancies in the rural dispensaries. The Director of Rural Development, by Letter No.Na.Ka.106744/98/E3, dated 16.3.1999, based on the said G.O.Ms.No.16, Rural Development Department, dated 29.1.1998, clearly opined that the Rural Medical Officers are regular employees and their working hours will be 7.30 a.m. to 10.30 a.m. and 3.00 p.m. to 5.00 p.m. and the dispensaries will function like regular dispensaries.

15. The Secretary to Government, Rural Development Department, Secretariat, by letter No.29161/E5/98-12, dated 27.9.1999, addressed to all the District Collectors (excluding Chennai), Director of Local Fund Audit, Kuralagam, Chennai-108, issued the following clarification with regard to the service regulation of Rural Medical Officers:

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"TAMIL NADU GOVERNMENT
RURAL DEVELOPMENT (E5) DEPARTMENT, SECRETARIAT,
CHENNAI-9.
Letter No.29161/E5/98-12, date 27.9.99

From
Dr.Ramesh Chandra Panda, I.A.S.,
Government Secretary.

To
All the District Collectors (excluding Chennai),
Director of Local Fund Audit,
Kuralagam,
Chennai-108.

Sir,

Sub: Service regulation - Rural Medical Officers - Time scale of pay granted from 1.10.84 - some clarifications issued.

Ref: 1. G.O.Ms.No.16, Rural Development, date 29.1.98.

2. Director of Local Fund Audit, Chennai Letter No.18503E3/97, date 18.7.98.

3. The Director of Rural Development, Letter No.105902/98/E3, date 8.2.99.

Certain clarifications were raised in implementing the Government Order cited under Reference No.1 granting time scale of pay to the Panchayat Union Rural Medical Officers. The following clarifications are issued:

a) Rural Medical Officers are not Government employees and they are the employees of the Panchayat Union.

b) The time scale of pay to the Rural Medical Officers was granted from 01.10.1984 onwards only. Prior to that they were drawing a consolidated pay. Therefore the service of the Rural Medical Officers appointed prior to 01.10.1984 cannot be regularized from that date of their appointments.

c) The period of service prior to 01.10.1984 cannot be considered in calculating the fixation of time scale of pay from 01.10.1984 and shall not be taken into consideration for the increments.

d) The retirement age of the Rural Medical Officers who draw time scale of pay will be 58 (fifty eight). With regard to this, the guidelines of the Director of Rural Development to all the District

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Collectors in Letter No.33022/98, dated 10.8.1998 are emphasised.

e) Those Rural Medical Officers who retired at the age of 60 after 01.10.1984 and those who attained age of 58 prior to 01.10.1984 shall also be paid on time scale of pay from 01.10.1984 and the period from 01.10.1984 has to be considered as re-employment. The date of retirement for those who attained 58 years after 01.10.1984 and retired at the age of 60 shall be the date they attain the age of 58. The service after the age of 58 shall be considered as re-employment.

f) Rural Medical Officers who attain the age of 58 years and not attain the age of 60 still in service shall be removed forthwith. The date of completion of 58 years shall be the retirement age and the remaining period after 58 shall be considered as re-employment.

g) The Rural Medical Officers are full time employees and their working hours is 7.30 a.m. to 10.30 a.m. and 3.00 p.m. to 5.00 p.m. The clarification issued by the Director of Rural Development in his letter Na.Ka.No.106744/98/E3 dated 16.3.1999 shall be followed till a separate Government Order is issued as clarification.

The letter has to be acknowledged immediately. Further the District Collectors have to circulate the copy of the letter to all the Commissioners of the Panchayat Union.

The Government is considering the issues with regard to the pension and other service rules and other benefits for the Rural Medical Officers and with regard to this, separate clarifications/orders will be issued.

Yours faithfully,
for Secretary."

16. Thereafter, the present G.O.Ms.No.250, dated 14.9.2000 which is impugned in the present writ petitions, came to be passed by the very same person who issued the above said clarification letter dated 27.9.1999.

17. In fact, one Dr.S.Ramamurthi filed W.P.No.11691 of 2002 challenging certain proceedings of the Commissioner of Avudaiyar Koil Panchayat Union, Pudukkottai District, dated 26.6.2001 and he also sought for mandamus to direct the respondents therein to pay the arrears of salary, interest on the Provident Fund, Group Insurance Scheme, encashment on surrender leave and leave on private affairs, Gratuity and other pensionary benefits. Justice K.P.Sivasubramaniam, by order dated 28.12.2004 in W.P.No.11691 of 2002, held as follows:

"7. Therefore, it is clear from the above observations that the case of the petitioner as well as others are covered by the Judgment of the learned Single Judge in W.P.No.863 of 1989, dated 8.3.1995 and as confirmed by the Division Bench subsequently. With the result, the petitioner is entitled to be declared as Full Time Employee and to be regularized. In fact,

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the said order in W.P.No.1131 of 1989 filed by the petitioner himself came to be given effect to by the respondents, by order dated ___5/98, wherein the Government has sanctioned time scale of pay in favour of the petitioner. By order dated 08.12.1998, arrears of salary due to the petitioner on the basis of fixation of time scale of pay was also ordered. It is also noteworthy that by a subsequent order dated 10.06.1999, the services of the petitioner was regularised with effect from 01.10.1984.

8. However, in spite of all the aforesaid prior proceedings, the impugned order has been issued holding that the petitioner was only a part time employee and that therefore, he was not entitled to retiral benefits. A consequential order of recovery had also been issued by the respondents without taking into account any of the facts as stated above. The impugned orders appear to have been issued mainly on the basis of G.O.Ms.No.250, Rural Development Department, dated 14.9.2000 holding that the Rural Medical Officers have to be treated only as part time staff.

9. A reading of G.O.Ms.No.250, makes it clear that it could be given only prospective effect and not retrospective effect in respect of employees whose cases are directly covered by the Judgments of this Court and whose services were also subsequently regularized and brought under regular time scale of pay. The Government cannot issue any directions retrospectively so as to nullify orders of this Court. A perusal of para 3(f) of the G.O. itself indicates that the Government had taken note of the judgments of this Court and that subsequently the working hours of the dispensaries have been modified under the letter of the Director of Rural Development, dated 16.3.1999 and that he was empowered to issue fresh orders regarding the duties and responsibilities of Rural Medical Officers by treating them only as part-time staff. Therefore, the change of working conditions is contemplated for the future only. As such, the said order cannot be retrospectively applied.

10. Though several adjournments were granted at the request of the counsel for the third respondent for filing a counter, till date no counter has been filed.

11. The learned Government Pleader raised a contention that the impugned order came to be passed only by virtue of G.O.Ms.No.250, dated 14.9.2000. Learned counsel for the third respondent contended that the recovery had to be ordered in view of the objections raised by Local Fund Audit.

12. I am unable to appreciate the contentions raised on behalf of the respondents. The facts stated above would clearly establish that the case of the petitioner is covered by the Judgment of this Court in W.P.No.1131 of 1989 filed by the petitioner himself

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which is traceable to earlier Judgment in W.P.No.863 of 1989, dated 08.03.1995 holding that the employment of the Rural Medical Officers is only full time and that they would be entitled to be regularized. The Government had accepted the Judgment in all those cases including the petitioner and had also subsequently regularized his services.

13. That being so, the attempt on the part of the respondents to revise the service conditions of the petitioner on the basis of a subsequent Government Order and on the alleged objections of Local Fund Audit cannot at all be sustained.

14. In the result, the petitioner is entitled to succeed. The writ petition is allowed. No costs."

18. It is stated that consequent to the said order of Justice K.P.Sivasubramaniam in W.P.No.11691 of 2002, dated 28.12.2004, the Commissioner of Avudaiyar Koil Panchayat Union, complied with the said order dated 28.12.2004 and the arrears of salary were paid to the retired Doctor.

19. In the impugned G.O.Ms.No.250, it is stated that the rural dispensaries in control of the Panchayat Unions are part-time and registered 'B-I', 'B-II' and 'C' medical practitioners are appointed as part-time rural medical officers. It will be relevant to refer to the provisions of the Act and the Rules underwhich the rural medical officers are appointed. The provisions relating to such appointment are available under the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) and the Tamil Nadu Panchayat Union Councils (Medical and Public Health) Service Rules, 1976. In exercise of the powers under Sub-section (1) of Section 58 and Section 61 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), the Tamil Nadu Panchayat Union Councils (Medical and Public Health) Service Rules, 1976 were framed and the same came into force on 20th May, 1977. Under the said Rules, Part-II - Branch-I relates to 'medical' and Branch-II relates to 'public health' and under Part-III – Branch-I relating to 'medical', the categories of medical officers, qualification etc. are prescribed and in the Table, the category No.4 relates to Assistant Medical Officer (Indian Medicine), it is stated that Class 'B' and Class 'C' qualifications of the Indian Medical Practitioners can also be appointed. It therefore follows that the appointment of rural medical officers is provided under the above Rules.

20. By communication of the Registrar of Tamil Nadu Board of Indian Medicine, reference is made to G.O.Ms.No.3433, Health Department, dated 26.11.1957, where 'B' Class and 'B-II' Class are classified as one and the same. It therefore follows that the Rural Medical Officers in these cases are appointed under a substantive post on permanent basis and they are performing duties on full-time basis as has been clearly held by this Court in W.P.No.863 of 1989, dated 8.3.1995 and confirmed by the Division Bench in W.A.No.922 of 1995 etc., dated 1.2.1996. This Court has clearly come to the conclusion that the petitioners are working in the full-time dispensaries in accordance with G.O.Ms.No.94, Indian Medicine and Homoeopathy Department, dated 31.10.1984. Class 'B-II' medical officers have also been granted the revision of pay allowed in G.O.Ms.No.737, dated

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11.7.1985 and by the subsequent G.O.Ms.No.803, Finance Department, dated 26.7.1990, which has been recorded in the judgment of the First Bench of this Court in W.A.No.922 of 1995 etc., dated 1.2.1996. In paragraph 6 of the judgment of the First Bench of this Court in W.A.No.922 of 1995 etc., the contention of the Department that the Rural Medical Officers were appointed on consolidated pay and on temporary basis, has once again been negatived. The First Bench of this Court has clearly held that Class 'B-II' practitioners are equivalent to Class 'B-I' and they are entitled to scale of pay from 1.10.1984 in accordance with G.O.Ms.No.737, dated 11.7.1985 and further they will be entitled to revised scales announced by the Government of Tamil Nadu.

21. However, in spite of such a clear observation of the Court, the authorities have been entertaining doubt as to how the petitioners should be categorised and as to what benefits they are entitled to. In his proceedings in Letter No.29161/E5/98-12, dated 27.9.1999, the Secretary to Government, Rural Development (E5) Department, has addressed to the District Collectors stating that the Rural Medical Officers are employees of the Panchayat Union and he accepts that the time scale of pay will apply from 1.10.1984. It was also made clear that those appointed prior to 1.10.1984 cannot be regularised from the date of their appointment, which would otherwise mean that their services should be regularised from 1.10.1984. The retirement age was re-fixed as 58 years. It was also made clear that the Rural Medical Officers were full-time employees and the working hours are once again reiterated as from 7.30 a.m. to 10.30 a.m. and 3.00 p.m. to 5.00 p.m. However, there was some reservation with regard to the rules and the benefits applicable to the Rural Medical Officers and in this regard, the impugned G.O.Ms.No.250, dated 14.9.2000, came to be passed.

22. G.O.Ms.No.250, dated 14.9.2000 proceeds on the basis that there are two types of dispensaries, namely regular dispensaries and part-time rural dispensaries in the control of the Panchayat Unions. The said G.O.Ms.No.250 also proceeds on the basis that "the part time rural medical officers working in Panchayat union were placed under the time scale of pay as per the orders of the Madras High Court from 1.10.1984" and it also starts on a query as to whether the rural medical dispensaries shall continue as part time dispensaries and whether vacancies should be filled up and whether the Rural Medical Officers are entitled for the other benefits that of other regular employees. Clause (a) of paragraph 3 of G.O.Ms.No.250 proceeds on the basis that the functions of the rural dispensaries were not assessed so far and therefore, there was a need to assess the necessity of continuing the Panchayat Union dispensaries and their functions and till such assessment is made, pending Government decision, the Panchayat Unions were restrained from opening rural dispensaries. Clause (b) of paragraph 3 of G.O.Ms.No.250 states that since primary health centres are available in all Panchayats in Tamil Nadu, the rural dispensaries shall function as part-time dispensaries. Clause (d) of paragraph 3 of G.O.Ms.No.250 accepts that the post of Rural Medical Officers are occupied by graduates and certificate holders like B1, B2, C registered medical practitioners and of different qualifications. It however adds that they do the same work and they are all part-time Rural Medical Officers and the salary should be paid in terms of G.O.Ms.No.16, Rural Development Department, dated 29.1.1998 and as per the orders of the

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High Court. Clause (e) of paragraph 3 of G.O.Ms.No.250 denies pension benefits to the Rural Medical Officers on the ground that the post is a part-time post and therefore, the part-time Rural Medical Officers are not entitled to the pension benefits. Consequently, the other terminal benefits applicable for regular employees like selection grade, special grade, compassionate ground appointments, group insurance, provident fund, encashment of earned leave and surrender, are not made applicable to the part-time medical officers. Clause (g) of paragraph 3 of G.O.Ms.No.250 deals with payment of stipend during the period in which they are undergoing post-graduation course. Clause (h) of paragraph 3 of G.O.Ms.No.250 deals with denial of rural allowance and personal pay on the ground that the responsibilities of rural medical officers are less than that of the medical officers working in primary health centres and the Government Doctors.

23. In spite of clear and categorical finding by this Court that the rural medical officers are holding the post on permanent basis and working on the prescribed working hours on regular basis and not on part-time basis, the impugned G.O. proceeds on the basis that the post is part-time post. This is in spite of the fact that the order of the learned single Judge as well as the Division Bench of this Court have clearly held that the rural medical officers should be given the benefit of time scale of pay as they were working on regular basis. The Government has from time to time prescribed the working hours and granted the service benefits like special pay, special compensatory allowance, medical allowance, payment on surrender of earned leave, selection grade, medical leave, earned leave, etc. to the petitioner in W.P.No.20316 of 2002, namely Dr.J.Krishnamoorthy, however the only claim which was denied to this petitioner is the pension and other terminal benefits based on the impugned G.O.Ms.No.250.

24. As to what is the effect of the said G.O.Ms.No.250 and it's scope, have been dealt with in W.P.No.11691 of 2002, by order dated 28.12.2004. It has been held by the learned single Judge in W.P.No.11691 of 2002 that G.O.Ms.No.250 is only prospective and the learned single Judge came to the conclusion that it will not be applicable to the employees who are directly covered by the judgment of this Court, namely W.P.No.863 of 1989, dated 8.3.1995 and W.A.No.922 of 1995 etc. dated 1.2.1996. Consequent upon the order of the learned single Judge in W.P.No.11691 of 2002, all the benefits applicable to the retired medical officer, namely Dr.S.Ramamurthi (petitioner in W.P.No.11691 of 2002) were paid. In effect, the authorities have accepted the judgment of the learned single Judge in W.P.No.11691 of 2002 and paid the terminal benefits and his services were regularised. The fact remains that in spite of such order, the authorities have failed to follow the same principle in respect of all other rural medical officers who are in service prior to the passing of G.O.Ms.No.250, dated 14.9.2000.

25. On a clear reading of the various orders of this Court and the proceedings of the Government cited and on going through the impugned G.O.Ms.No.250, we have no hesitation to come to the conclusion that the impugned G.O.Ms.No.250 at the best deals with the status of the rural medical dispensaries for the future. It also speaks about the vacancies to be filled up. However, a portion of the G.O.Ms.No.250 deals with the

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service condition of rural medical officers who are already employed full-time and on a permanent basis. In this regard, Clause (e) of paragraph 3 of the G.O.Ms.No.250 becomes relevant as it seeks to deny the pensionary benefit to the rural medical officers on the ground that the post of rural medical officer is a part-time post and therefore, they are not entitled to pension benefits. Though Clause (e) of paragraph 3 of the G.O. can be said to be prospective, it is in effect retrospective in nature. However, on a reading of Clause (f) of paragraph 3 of the G.O., it is seen that a reference is made to the time scale of pay paid to rural medical officers pursuant to the orders of the High Court. In respect of Clause (f), the employees are referred to as part-time medical officers. In the same manner, the opening paragraph of G.O.Ms.No.250, dated 14.9.2000 also refers to part-time rural medical officers and that their time scale of pay has been fixed pursuant to the orders of this Court. It is on the basis of this observation in the G.O.Ms.No.250, the pensionary benefits were denied on the ground that the pensionary benefits are eligible only for permanent employees and not to part time employees.

26. The impugned G.O.Ms.No.250 insofar as it refers to post of rural medical officer as part-time post and the rural medical officers as part-time rural medical officers, is clearly opposed to and contrary to the judgments of this Court in W.P.No.863 of 1989, dated 8.3.1995 and the order of the First Bench of this Court in W.A.No.922 of 1995 etc., dated 1.2.1996. It is also contrary to various Government Orders already issued fixing the time scale of pay insofar as the rural medical officers are concerned. Several correspondences between the Government and the authorities which we have referred to earlier, show that the rural medical officers are regular employees working on the prescribed working hours and therefore, it will be incorrect to state at the present, that they are part-time rural medical officers employed in the part-time post. The impugned G.O.Ms.No.250 which refers to the medical officers as part-time medical officers employed in part-time post, is incorrect and has to be necessarily interfered with. The rural medical officers cater to the health needs of the people living in remote villages. In the earlier part of this order, we have referred to G.O.No.2446, Education and Public Health Department (Public Health), dated 24.9.1937, where the Government has even allowed the Presidents of the Local Boards to fix the working hours of rural dispensaries. It is therefore apparent that the rural dispensaries have been functioning for more than six decades. However, surprisingly, it is for the first time in the year 2000 that the Government has woken up from its slumber to state that the functions of the Panchayat Unions dispensaries should be assessed. It only speaks about the lethargy on the part of the authorities concerned in having failed to address themselves to the needs of the rural people and the working of the rural dispensaries.

27. The importance of the service rendered by the rural medical officers was guaged by the Director of Rural Development in his proceedings in Letter No.91217/93/B3, dated 21.7.1995, addressed to the Secretary to Government, Rural Development Department, which reads as follows:

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"Sir,

Sub: ESTABLISHMENT – Panchayat Union Rural Dispensaries Revision of scale of pay of the Medical Officers of the Rural Dispensary – Regarding.

Ref: D.O.Lr.No.4632/E.V/94/94.4.R.D. Department dt.21.04.94

In the D.O. letter cited, it was requested to state why the orders issued in G.O.Ms.No.803, Pay Commission Department dt.26.07.90 and G.O.Ms.No.985, Finance Department, dt.18.09.90 have not been implemented in the Panchayat Unions and it was also requested to send a report to that effect. As required in the reference cited, I furnish below my report:-

After the abolition of the District Boards, the Dispensaries maintained by them were handed over to the Panchayat Unions as successor-bodies under Sec.65 of the Tamil Nadu Panchayat Act, 1958. Accordingly the Establishment and Maintenance of the Dispensaries have become the responsibility of the Panchayat Union Council, as this activity forms part of the 'Most Essential Service' to the rural population.

At present there are 105 Regular Dispensaries and 295 Rural Dispensaries in the Panchayat Unions. Existing staff pattern for Regular and Rural Dispensaries are as follows:-

Regular Dispensary:-			Rural Dispensary:-		
Medical Officer	:	1	Medical Officer	:	1
Male Nurse	:	1	Maternity Assistant	:	1
Female Nurse	:	1	Pharmacist	:	1
Pharmacist	:	1	Helper	:	1
Maternity Assistant	:	1	Sweeper	:	1
Ward Boy	:	1			
Helper	:	1			
Sweeper	:	1			

Rural Dispensaries functioning as a part-time dispensary have been ordered to function as full time dispensary in accordance with G.O.Ms.No.94, Indian Medicine (Homoeopathy), dt.31.10.84. Accordingly, the present working hours of all Rural Dispensaries and Regular Dispensaries are as follows:-

7.30 AM to 10.30 AM – Fore Noon Session.

3.00 PM to 05.00 PM – After Noon Session."

This letter of the year 1995 speaks about the importance of rural dispensaries. It is not clear on what basis doubts have been raised in the G.O.Ms.No.250.

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28. There are innumerable villages and hamlets spread throughout the State of Tamil Nadu. Some of them are very difficult to reach as they are located in difficult and unapproachable terrain. Such villages and hamlets lack basic facilities like electricity, water, school and above all, the medical facilities. When there is lack of infrastructure in these villages and hamlets, it is the rural dispensaries which serve the medical needs of the people who are far removed from Town Panchayats/Cities which have all the modern facilities at their command. It therefore follows that the rural medical dispensaries should be considered as the most essential service to the people living in remote villages who are starved of adequate facilities. Most of these rural medical officers have served for more than two decades continuously and they have been granted the benefit of time scale of pay. Some of them have been given the benefits applicable to Government servants, as has been set out earlier. However, based on the impugned G.O.Ms.No.250, the pensionary and other terminal benefits have been denied. Such anomaly cannot be allowed to be perpetuated on mere 'ipse-dixit' of the authorities. It may be that the Government as a policy decision, has decided not to fill up the vacancies to the post of rural medical officers or maintain the dispensaries; but it cannot deny the benefits to the rural medical officers who are regularly working as rural medical officers on permanent basis and who have been granted the benefit of time scale of pay pursuant to the orders of the Court. The impugned G.O.Ms.No.250 insofar as it impinges upon the rights of the petitioners to the benefits of pension and other terminal benefits, will have to be struck down as arbitrary and irrational.

29. While coming to the said conclusion, we are also constrained to make certain observations on the decision rendered by the Tribunal before which the impugned G.O.Ms.No.250 came to be challenged. We find that the Tribunal has made certain observations which are totally unwarranted and uncalled for. The Tribunal observed that the dispensaries are run by Panchayat Unions and are suffering from want of sufficient funds and the Government had taken a policy decision not to fill up any more vacancies. It is not clear as to where-from such an observation came to be passed. In any event, if it is a decision of the Government, it can only be prospective.

30. The next observation of the Tribunal was that the service rendered by the petitioners is only marginal and it is not as if that people are resorting in large scale seeking medical aid or treatment from these dispensaries. Such an observation is not supported by any material. The welfare State is bound to give medical facilities to people living in remote villages. The Government, taking into consideration the need of the people living in remote villages and hamlets, has been providing medical facilities for more than six decades, through the rural dispensaries. In such a situation, the observation of the Tribunal is totally uncalled for and unwarranted.

31. The Tribunal has further held that, "only limited funds are available in the Panchayat Union which have established regular dispensaries and rural dispensaries where native medical reliefs are given and they are manned by unqualified Rural Medical Officers." It also observed that the rural medical practitioners are having limited

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qualification and only a small section of people are trying to seek medical help from these dispensaries and therefore, the Government was correct in rejecting the request of medical practitioners to employ them as full time Government servants. These findings of the Tribunal also are without any material, perverse and unwarranted. They are based on no material or pleading and are contrary to the provisions of the Tamil Nadu Panchayats Act and the Tamil Nadu Panchayat Union Councils (Medical and Public Health) Service Rules, 1976, wherein the Rules provide for appointment of such persons in rural dispensaries. The rural medical dispensaries are meant to cater to the need of the remote villages and hamlets and hence, the reasonings of the Tribunal are misconceived and erroneous.

32. The Tribunal also observed that the rural dispensaries are never made full-time dispensaries and they are not treating any in-patients and only few people come and seek assistance of rural medical practitioners and therefore, the Government cannot afford to spend huge amount towards establishment of these rural dispensaries. The Tribunal's observations are opposed to public policy and objectives of a welfare State. The concept of rural medical dispensary has not been properly appreciated. The Tribunal is espousing a cause which the Government never put forward. It is not clear on what basis such observations were made. In any event, it is for the Government to decide what medical facilities are required for the rural mass of our country. But our concern now is to ensure that the rights of the rural medical practitioners are not adversely affected by the so-called policy decision taken after the issue stands concluded by earlier decisions of this Court.

33. On the question of pension, the Tribunal held that the Government cannot be compelled to pay pension and grant the benefits like selection grade, special grade, general provident fund, leave concession etc., as it would mean additional expenditure which is not available with the Panchayat Unions and the alternative is to close down the rural dispensaries. The rural medical officers, as observed earlier, have been working on permanent basis on regular time scale of pay in the working hours prescribed by the Government. They have put in several years of service and during their service, they were given several service benefits as applicable to the Government servants. It is only at the time of payment of pension that by the impugned G.O.Ms.No.250, dated 14.9.2000, the benefits are denied. The rural medical officers are treated as regular employees of the Panchayat Union with all service benefits while in service. However, at the time of retirement, the pensionary and other terminal benefits have been denied. This clearly will go to establish the arbitrary nature of the Government Order which is impugned in some of the writ petitions. The Government or the Panchayat Union cannot deny the pensionary and other terminal benefits on the ground of financial burden or incapacity to pay. In law, if the petitioners are entitled to benefits, such benefits cannot be denied at the whims and fancies of the Government.

34. Further, under the impugned G.O.Ms.No.250, the benefits are denied only to the so-called part-time rural medical officers in rural medical dispensaries, while the rural medical officers in regular dispensaries are given the benefit. When it is an admitted fact that Class 'B-II' practitioners are equivalent to Class 'B-I' practitioners and further when all the rural medical practitioners are performing similar functions, the

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impugned G.O.Ms.No.250 clearly discriminates between the medical practitioners in the rural dispensaries and the regular dispensaries. Further, by G.O.Ms.No.1623, Health Department, dated 5.8.1982, the rural medical practitioners working in rural dispensaries of the Panchayat Unions were eligible for earned leave and surrender of earned leave and they were also getting the yearly increments as in the case of full-time employees. This is sought to be denied in the impugned G.O.Ms.No.250.

35. Yet another factor which goes to show that petitioners are regular employees is the fact that the retirement age was reduced from 60 to 58 in terms of the provisions of F.R.56(1)(a), thereby placing them on par with Government employees. The rural medical practitioners were also entitled to leave on medical certificate with pay and allowance in terms of G.O.Ms.No.127, Indian Medicine and Homoeopathy Department, dated 24.9.1986. In certain instances, it was pointed that the General Provident Fund deduction was made in respect of the rural medical practitioners every month and they were transferred from one place to another within the State Panchayat Unions as in the case of permanent employees. It is therefore obvious that for all purposes, the rural medical practitioners were holding the substantive permanent post on regular basis. This fact cannot be overlooked.

36. Under the Tamil Nadu Panchayats Act, 1994, a provision has been made for grant of pensionary benefits to the employees of the Panchayat Unions in terms of G.O.No.1300, dated 22.5.1974 and G.O.No.662, dated 1.11.1988. It will be totally unfair to say that the employees of the Panchayat Unions, namely the Ministerial staff will be entitled to pensionary benefits, while the rural medical practitioners should be denied the same, when all of them are working under the same Panchayat Unions. The conditions of service of officers and servants of Panchayats are prescribed under Section 102 of the Tamil Nadu Panchayats Act, 1994. Sub-section (2) of Section 102 provides as follows:

> "Section 102 (2): Subject to the provisions of this Act and any rules which the Government may make in this behalf, the panchayat union council or the district panchayat, as the case may be, may frame regulations in respect of the officers and servants on the staff of the panchayat union council or the district panchayat,--
>
> (a) fixing the amount and nature of the security to be furnished;
>
> (b) prescribing educational and other qualifications;
>
> (c) regulating the grant of leave, leave allowances, acting allowances and travelling allowances;
>
> (d) regulating the grant of pensions and gratuities;
>
> (e) establishing and maintaining provident funds and making contributions thereto compulsory;
>
> (f) regulating conduct; and
>
> (g) generally prescribing conditions of service:
>
> Provided--

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(i) that the grant of any leave, leave allowances, travelling allowances, pension or gratuity provided for in such regulations shall in no case, without the special sanction of the Government exceed what would be admissible in the case of Government servants of similar standing and status;

(ii) that the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction, be more favourable than those for the time being prescribed for such Government servants."

Therefore, the grant of pension and gratuities and other benefits are provided as per the abovesaid provisions and Rules have been framed in respect of the employees of the Panchayats, as stated above. In any event, the Rural Medical Officers are entitled to pensionary benefits under the provisions of the abovesaid Act. The G.O.Ms.No.250 is contrary to the provisions of the Panchayat Act and the Rules, which provide for payment of pension and other benefits. Law is well settled that when statutory rules are available and holding the field, no executive instructions or directions can be issued by the Government or the Departmental Head contrary to the Rules. The G.O.Ms.No.250 in effect is an attempt to nullify the provisions of the Act and the statutory rules and therefore, it cannot be sustained. Even on this ground, it is obvious that the impugned G.O.Ms.No.250 is discriminatory and unsustainable and has to be held invalid in so far as the petitioners are concerned.

37. While passing the impugned G.O.Ms.No.250, all the above factors have not been taken into consideration and the petitioners are denied the terminal benefits, stating that the petitioners are part-time rural medical practitioners.

38. It is pertinent to quote the relevant observations of the Supreme Court in a landmark case reported in 1983 (1) SCC 305 (D.S.Nakara vs. Union of India) on the question of pension:

"20. The antequated notion of pension being a bounty, a gratuitous payment depending upon the sweet will or grace of the employer not claimable as a right and, therefore, no right of pension can be enforced through Court has been swept under the carpet by the decision of the Constitution Bench in Deokinandan Prasad v. State of Bihar (1971 Supp. SCR 634 : 1971 (2) SCC 330 : AIR 1971 SC 1409 : 1971 (1) LLJ 557) wherein this Court authoritatively ruled that pension is a right and the payment of it does not depend upon the discretion of the Government but is governed by the rules and a government servant coming within those rules is entitled to claim pension. It was further held that the grant of pension does not depend upon anyone's discretion. It is only for the purpose of quantifying the amount having regard to service and other allied matters that it may be necessary for the

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authority to pass an order to that effect but the right to receive pension flows to the officer not because of any such order but by virtue of the rules. This view was reaffirmed in State of Punjab v. Iqbal Singh (1976 (3) SCR 360 : 1976 (2) SCC 1 : 1976 SCC (L & S) 172 : AIR 1976 SC 667)."

"29. Summing up it can be said with confidence that pension is not only compensation for loyal service rendered in the past, but pension also has a broader significance, in that it is a measure of socio-economic justice which inheres economic security in the fall of life when physical and mental prowess is ebbing corresponding to aging process and, therefore, one is required to fall back on savings. One such saving in kind is when you give your best in the hey-day of life to your employer, in days of invalidity, economic security by way of periodical payment is assured. The term has been judicially defined as a stated allowance or stipend made in consideration of past service or a surrender of rights or emoluments to one retired from service. Thus the pension payable to a government employee is earned by rendering long and efficient service and therefore can be said to be a deferred portion of the compensation or for service rendered. In one sentence one can say that the most practical raison d'etre for pension is the inability to provide for oneself due to old age. One may live and avoid unemployment but not senility and penury if there is nothing to fall back upon."

"30. The discernible purpose thus underlying pension scheme or a statute introducing the pension scheme must inform interpretative process and accordingly it should receive a liberal construction and the courts may not so interpret such statute as to render them inane (see American Jurisprudence, 2d881)."

"31. From the discussion three things emerge: (i) that pension is neither a bounty nor a matter of grace depending upon the sweet will of the employer and that it creates a vested right subject to 1972 Rules which are statutory in character because they are enacted in exercise of powers conferred by the proviso to Article 309 and clause (5) of Article 148 of the Constitution; (ii) that the pension is not an ex gratia payment but it is a payment for the past service rendered; and (iii) it is a social welfare measure rendering socio-economic justice to those who in the hey-day of their life ceaselessly toiled for the employer on an assurance that in their old age they would not be left in lurch. It must also be noticed that the quantum of pension is a certain percentage correlated to the average emoluments drawn during last three years of service reduced to 10 months under liberalised pension scheme. Its payment is dependent upon an additional

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condition of impeccable behaviour even subsequent to retirement, that is, since the cessation of the contract of service and that it can be reduced or withdrawn as a disciplinary measure."

"65. That is the end of the journey. With the expanding horizons of socio-economic justice, the Socialist Republic and welfare State which we endeavour to set up and largely influenced by the fact that the old men who retired when emoluments were comparatively low and are exposed to vagaries of continuously rising prices, the falling value of the rupee consequent upon inflationary inputs, we are satisfied that by introducing an arbitrary eligibility criterion: 'being in service and retiring subsequent to the specified date' for being eligible for the liberalised pension scheme and thereby dividing a homogeneous class, the classification being not based on any discernible rational principle and having been found wholly unrelated to the objects sought to be achieved by grant of liberalised pension and the eligibility criteria devised being thoroughly arbitrary, we are of the view that the eligibility for liberalised pension scheme of 'being in service on the specified date and retiring subsequent to that date' in impugned memoranda, Exs.P-1 & P-2, violates Article 14 and is unconstitutional and is struck down. Both the memoranda shall be enforced and implemented as read down as under: In other words, in Ex.P-1, the words:

"that in respect of the government servants who were in service on March 31, 1979 and retiring from service on or after that date"

and in Ex.P-2, the words:

"the new rates of pension are effective from April 1, 1979 and will be applicable to all service officers who became/become non-effective on or after that date"

are unconstitutional and are struck down with this specification that the date mentioned therein will be relevant as being one from which the liberalised pension scheme becomes operative to all pensioners governed by 1972 Rules irrespective of the date of retirement. Omitting the unconstitutional part it is declared that all pensioners governed by the 1972 Rules and Army Pension Regulations shall be entitled to pension as computed under the liberalised pension scheme from the specified date, irrespective of the date of retirement. Arrears of pension prior to the specified date as per fresh computation is not admissible. Let a writ to that effect be issued. But in the circumstances of the case, there will be no order as to costs."

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Therefore, the G.O.Ms.No.250 which denies the petitioners of their lawful pensionary and other benefits, has to be held as invalid in so far as the petitioners are concerned.

39. The petitioners are rightfully entitled to seek the benefits as claimed. Therefore, we are of the clear view that Clause (e) of paragraph 3 of the impugned G.O.Ms.No.250, dated 14.9.2000, whereby the benefits of pension and other terminal benefits are denied to the petitioners, is invalid. Similarly, Clauses (g) and (h) of paragraph 3 of the impugned G.O.Ms.No.250, which deny certain other benefits to the rural medical officers who have been employed prior to the passing of the impugned G.O.Ms.No.250, are opposed to the provisions of the Constitution. In any event, it cannot be made applicable to the rural medical officers who are in employment prior to the passing of the impugned G.O.Ms.No.250, dated 14.9.2000.

40. G.O.Ms.No.250, dated 14.9.2000 insofar as it seeks to deny the benefits to the Rural Medical Officers is invalid. It over-rides the orders of the First Bench of this Court, wherein, it is clearly held that the Rural Medical Officers have to be given time-scale of pay and other service benefits applicable from time to time. In this background, the impugned G.O. cannot be sustained. Therefore, Clauses (e), (g) and (h) of paragraph 3 of the impugned G.O.Ms.No.250, dated 14.9.2000 insofar as the petitioners are concerned, are liable to be interfered with. We therefore hold that Clauses (e), (g) and (h) of paragraph 3 of the impugned G.O.Ms.No.250, dated 14.9.2000, is invalid and will be inapplicable insofar as the rural medical officers who are appointed and are in service prior to the passing of the impugned G.O.Ms.No.250, dated 14.9.2000 are concerned. The rural medical practitioners are to be treated as employees on regular service working in the rural dispensaries with effect from 1.10.1984 in terms of the order of the First Bench of this Court in W.A.No.922 of 1995 etc., dated 1.2.1996, with all monetary and service benefits.

41. The petitioners are entitled to all service benefits including pension and other benefits as per law. Any order passed by the authorities for recovery of the amounts based on G.O.Ms.No.250, dated 14.9.2000 in respect of payments already made in accordance with rules and regulations, is not sustainable in law. Further, the orders of the respondents revising the pay scale or denying the benefits based on the abovesaid G.O.Ms.No.250, dated 14.9.2000, also are not sustainable. All proceedings which are the subject matters of challenge before this Court based on the abovesaid G.O.Ms.No.250, dated 14.9.2000, denying the benefits, are liable to be set aside. Hence, the impugned orders of the authorities insofar as they relate to recovery of the amount paid to the petitioners, are quashed. The impugned orders where the authorities have refused to grant the terminal benefits, pay, pension, etc., based on the aforesaid G.O.Ms.No.250, dated 14.9.2000 are quashed and there will be a direction to settle their claims as prayed for.

42. All the benefits applicable to the petitioners/rural medical officers based on the order of the learned single Judge in W.P.No.863 of 1989, dated 8.3.1995, as confirmed by the Division Bench of this Court in W.A.No.922 of 1995 etc., dated 1.2.1996 and the subsequent Government

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Orders, shall be properly calculated and paid to the petitioners. Needless to say that all the terminal benefits applicable including the pensionary benefits, shall be paid to the petitioners/Rural Medical Officers who are appointed and serving prior to passing of G.O.Ms.No.250, dated 14.9.2000, without any discrimination. It is made clear that based on the time scale of pay fixed, they will be entitled to all consequential benefits applicable to Government servants. The recovery if any already made should be refunded.

43. The writ petitions are allowed to the extent indicated above. No costs. Connected pending W.P.M.Ps. are closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

cs/ts

To

1.The Secretary to Government,
Government of Tamil Nadu,
Rural Development Department,
Fort St. George, Chennai -104.

2.The Registrar,
Tamil Nadu Administrative Tribunal,
Chennai-104.

3.The Director of Rural Development
Panagal Buildings, Saidapet,
Chennai 600 015.

4.The Director of Local Fund Audit,
Kuralagam, 5th Floor, Chennai -108.

5.The Secretary to Government
State of Tamil Nadu,
Indian Medicine and Homeopathy Department,
Fort St. George, Chennai-9.

6.The Secretary to Government
State of Tamil Nadu,
Personnal and Administration Reforms Department,
Fort St. George, Chennai-9.

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7.The District Collector,
Thanjavur District, Thanjavur.

8.The Commissioner,
Orathanadu Panchayat Union,
Orathanadu, Thanjavur District.

9.The Commissioner,
Sathyamangalam Panchayat Union,
Sathyamangalam, Erode District.

10.The Commissioner,
Madukkur Panchayat Union,
Madukkur, Thanjavur District.

11.The Commissioner,
Kolathoor Panchayat Union,
Kolathoor, Salem District.

12.The Block Development Officer,
Thellar Panchayat Union,
Thellar, Thiruvannamalai.

13.The Collector,
Virudhunagar District, Virudhunagar.

14.The Collector,
Dharmapuri, Dharmapuri District.

15.The Commissioner,
Pennagaram Panchayat Union,
Pennagaram, Dharmapuri District.

16.The Commissioner,
Sivaganga Panchayat Union,
sivagangai.

17.The Block Development Officer,
Pangalur Panchayat Union,
Coimbatore District.

18.The Commissioner,
Sendhamangalam Panchayat Union,
Sendhamangalam, Namakkal Taluk & District.

19.The Commissioner,
Needamangalam Panchayat Union,
Needamangalam, Thiruvarur District.

20.The Block Development Officer,
Madukkur Panchayat Union,
Madukkur,Thanjavur District.

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30.The District Collector,
Sivaganga District, Sivaganga.

31.The Commissioner,
Manamadurai Panchayat Union,
Manamadurai, Sivaganga District.

32.The Commissioner,
Mannargudi Panchayat Union,
Mannargudi, Thiruvarur District.

33.The Collector,
Vellore District, Vellore 632 009.

34.The Commissioner,
Gudiyatham Panchayat Union,
Gudiyatham, Vellore District.

35.The Commissioner,
Srivilliputhur Panchayat Union,
Srivilliputhur.

36.The Commissioner,
Thoppampatti Panchayat Union,
Thoppampatti,Madurai.

37.The Commissioner,
Sedupavachatiram Panchayat Union,
Sedupavachatiram, Thanjavur District.

38.The Assistant Director of Local Fund Audit,
District Collectorate, Erode.

39.The Commissioner,
Nambiyoor Panchayat Union,
Nambiyoor Palakodu,
Erode District.

40.The Assistant Direcotr of Local Fund Audit,
District Collectorate, Dharmapuri.

41.The Commissioner,
Palakodu Panchayat Union,
Palakodu, Dharmapuri District.

42.The District Collector,
Collector's Office, Thiruvellore
Thiruvellore District 602 001.

43.The Collector of Ramnad,
Ramnad.

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44.The Deputy Director,
Medical Services (TB) Section
District Head Quarters Hospital,
Ramnad.

45.The Commissioner,
Panchayat Union,
Ramnad, Ramnad District.

46. The Commissioner,
Ellapuram Panchayat Union,
periyapalayam, Uthukottai Taluk,
Thiruvellore District 601 102.

47. The Commissioner,
Melur Panchayat Union,
Melu, Madurai.

48. The Commissioner,
Kadayampatti Panchayat Union,
Omalur Taluk, Salem District.

49. The Commissioner,
Panchayat Union,
R.S.Mangalam Ramnad District.

50. The District Collector,
Kancheepuram District,
Kancheepuram.

51. The Commissioner,
Block Development Office,
Acharapakkam,
Kancheepuram District.

52. The Collector,
Karur District, Karur.

53. The Commissioner,
Karur Panchayat Union
Karur.

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54. The Commissioner,
Morappur Panchayat Union,
Harur Taluk,
Dharmapuri District.

+ 1 CC To Mr. P.S.Jayakumar, Advocate SR NO. 19789

+ 1 CC To Mr. M.Vaidyanathan, Advocate SR NO.19948

+ 1 CC To Mr. M.Md.Ibrahim Ali Advocate SR NO.19902

+ 1 CC To Mr. K.Vaidyanathan, Advocate SR NO.20487

+ 10 CCs to the Government Pleader SR Nos.20893, 20129 to 20131, 20140 to 20145

VC(CO)
RVL,RSM,GP,KM/22.8.
Compared by pc,kka.

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